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Development (1948) Department.

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Dated	24. 11. 48

[Despatch Abstract.]

Labour - International Labour Office - Conventions - Fee - charging Employment Agencies Convention, 1933 - Revision - India's letter replied to

Government of India
Ministry of Labour.

. . .

No. L.C. 34(13) II

Dated New Delhi, the 25th October 1948.

From:-

Rai Bahadur Sadashiva Prasad M.A., B.L.,
Deputy Secretary to the Government of India.

To

The Secretary to the Government of Madras,
Public Works Department,
Madras.

Sir,

Subject:- Revision of the Fee-Charging Employment-Agencies Convention, 1933.

-:-

Sir,

I am directed to say that the above subject was placed on the agenda of the 31st Session of International Labour Conference held at San Francisco in June-July, 1948, and a copy of the proposed I.L.O. text on the subject was forwarded along with this Ministry's letter L.C./34/(13) II dated, the 13th October, 1947. A fundamental amendment to the text for the regulation of the fee-charging employment agencies was proposed by the employers' representatives and the Committee appointed by the Conference to examine the question recommended that the subject should be placed on the agenda of the 32nd Session of the Internal Labour Conference which will be held in June, 1949. The resolution was adopted by the Conference and the I.L. Office has sent a report which contains the existing text of the Convention, the revised texts proposed by the Office and the employers representatives. I am forwarding a copy of the report together with three copies of the Proposed texts and the questionnaire sent by the International Labour Office. As only a few copies of the report were made available, I regret it is not possible to send more copies of the same to the Provincial Government/Administration. I am to request that the replies to the points included in the questionnaire may kindly be send so as to reach this Ministry by the 20th November, 1948, at the latest.

Yours faithfully,

(Sd) Sadashiva Prasad.
Deputy Secretary to the Government of India

/True Copy/

INTERNATIONAL LABOUR CONFERENCE
THIRTY-SECOND SESSION
GENEVA, 1949.

REVISION OF THE FEE-CHARGING EMPLOYMENT AGENCIES CONVENTION, 1933.

QUESTIONNAIRE

The Governments are invited to reply to the three following questions. The replies of the Governments should reach the International Labour Office not later than 15 December 1948.

1. Do you wish that the revised Convention concerning fee-charging employment agencies:

(a) should provide for the suppression of fee-charging employment agencies conducted with a view to profit? or

(b) should provide for the regulation of such offices ?

2. (a) In the event of your desiring that the revised Convention should provide for the suppression of fee-charging employment agencies conducted with a view to profit, have you any amendments to propose to the draft revised text submitted by the Office to the 31st Session of the Conference ?

(b) In the event of your desiring that the Convention should provide for the regulation of fee-charging employment agencies conducted with a view to profit, have you any amendments to propose to the draft revised text submitted to the Committee on Employment Service Organisation and Vocational Guidance by its Drafting Committee during the 31st Session of the Conference ?

3. Are you of opinion that, if the Conference pronounces in favour of a revised Convention involving the regulation of fee-charging employment agencies conducted with a view to profit, it would be desirable that such Convention should contain a provision that, as from the date of the entry into forco of the said revised Convention, the 1933 Convention shall continue to be open for ratification by Members ?

APPENDIX

(a) Existing Text of the Fee-Charging Employment Agencies Convention, 1933.	(b) Draft Revised Text submitted by the Office to the 31st Session of the Conference.	(c) Draft Revised Text Based on the Proposals of the Employers' Members, Submitted to the Committee on Employment Service Organisation and Vocational Guidance by its Drafting Committee (31st Session).
CONVENTION CONCERNING FEE-CHARGING EMPLOYMENT AGENCIES	PROPOSED CONVENTION CONCERNING FEE-CHARGING EMPLOYMENT AGENCIES (REVISED), 1948.	No Proposal.

The General Conference of the International Labour Organisation,	The General Conference of the International Labour Organisation,	No Proposal.
Having been convened at Geneva by the Governing Body of the International Labour, Office, and having	Having been convened at San Francisco by the Governing Body of the	No Proposal.
having met in its Seventeenth Session 19th June 1933, and	the International Labour Office, and having met in its Thirty-first Session on 17th June 1948, and	
Having decided upon the adoption of certain proposals with regard to fee-charging employment agencies, which is the first item on the agenda of the Session, and	Havingdecided upon the adoption of certain proposals with regard to the revision of the Fee-Charging Employment Agencies Convention, 1933, adopted by the Conference at its Seventeenth Session, which is included in the fourth item on the agenda of the Session, and	No proposal.
Having determined that these proposals shall take the form of an international Convention,	Having determined that these proposals shall take the form of an international Convention,	No proposal.
adopts this twenty-nineth day of June of the Year one thousand nine hundred and thirty-three the following Convention, which may be cited as the Fee-Charging Employment Agencies Convention, 1933 for ratification by the Members of the International Labour Organisation in accordance with the Provisions of the Constitution of the International Labour Organisation:	adopts this day of July of the year one thousad & nine hundred and forty-eigght the following Convention which may be cited as the Fee-Charging Employment Agencies Convention (Revised), 1948:	No proposals.
Article 1	Article 1	Article 1
1. For the purposes of this Convention the expression "fee-charging employment agency" means -	No change.	No change.
(a) employment agencies conducted with a view to profit that is to say, any person, company, institution, agency or other organisation which acts as an intermediary for the purpose of procuring employment for a worker or supplying a worker for an employer with a view to deriving		

Article 1	Article 1	Article 1
either directly or indirectly any pecuniary or other material advantage from either employer or worker; the expression does not include newspapers or other publications unless they are published wholly or mainly for the purpose of acting as intermediaries between employers and workers;		
(b) employment agencies not ~~conducted with~~ conducted with a view to profit, that is to say, the Placing services of any company, institution, agency or other organisation which, though not conducted with a view to deriving any pecuniary or other material advantage, levies from either employer or worker for the above services an entrance fee, a periodical contribution or any other charge.		
2. This Convention does not apply to the placing of seamen.		
Article 2	Article 2	Article 2
1. Fee-charging employment agencies conducted with a view to profit as defined in par agraph 1 (a) of the preceding article shall be abolished within three years from the coming into force force of this Convention for the Member concerned.	1. Fee-charging employment agencies conducted with a view to profit as defined in paragraph 1(a) of the proceding article shall be abolished within a limited period of time determined by the competent authority.	Fee-ch Fee-charging employment agencies conducted with a view to profit as defined in paragraph 1(a) of Article 1 -
		(a) shall be subject to the supervision of the campetent authority;
2. Dnning the period preceding abolition -	No change.	(b) shall be required to be in possession of a yearly licence renewable at the discretion of the competent authority;
(a) there shall not be established any new fee-charging employment agency conducted with a view to profit;		(c) shall only charge fees and expenses on a scale approved by the competent authority; and
(b) fee-charging employment agencies conducted with a view to profit shall be subject to the supervision of the competent authority and shall only charge fees and expenses on a scale approved by the said authority.		(d) shall only place or recruit workers abroad if authorised so to do by their licnece and under conditions determined by the laws or regulations in force.

Article 3	Article 3	Article 3
1. Exception to the Provisions of paragraph 1 of Articles 2 of this Convention may be allowed by the competent authority in exceptional cases, but only after consultation of the organisations of employers and workers concerned.	No change.	Suppressed.
2. Exceptions may only be allowed in virtue of this Article for agencies catering for categories of workers exactly defined by national laws or regulations and belonging to occupations placing for which is carried on under special conditions justifying such an exception.	No change.	Suppressed.
3. The establishment of new fee-charging employment agencies shall not be allowed in virtue of this article after the expiration of the period of three years refered to in Article 2.	The Establishment of new fee-charging employment agencies shall be allowed in virtue of this article only in respect of categories of persons for whom appropriate placing arrangements cannot conveniently be made within the framework of the public employment service.	Suppressed.
4. Every fee-charging employment agency for which an exception is allowed under this article.	No change.	Suppressed.
(a) shall be subject to the supervision of the competent authority;		
(b) shall be required to be in possession of a yearly licence renewable at the discreation of the competent authority during a period which shall not exceed ~~k~~ ten years;	No change.	Suppressed
(c) shall only charge fees and expenses on a scale approved by the competent authority; and	No change.	Suppressed
(d) shall only place or recruit workers abroad if authorised so to do by its licence and if its operations are conducted under an agreement between the countries concerned.	(d) shall only place or recruit workers abroad if authorised to do so by its licence and under conditions determined by the laws or regulations in force.	Suppressed.

Article 4	Article 4	Article 4
Fee-charging employment agencies not conducted with a view to profit as defined in paragraph 1(b) of Article 1	No change.	No change.
(a) shall be required to have an authorisation from the competent authority and shall be subject to the subpervision of the said authority;	No change.	No change.
(b) shall not make any charge in excess of the scale of charged fixed by the competent authority with strick regard to the expenses incurred; and	No change.	No change.
(c) shall only place or recruit worker abroad if permitted so to do by the competent authority and if their operations are conducted under an agreement between the countries concerned.	(c) shall only place or recruit workers abroad if permitted so to do by the competent authority.	(c) shall only place or recruit workers abroad if permitted so to do by the competent authority.
Article 5	Article 5	Article 5
Fee-charging employment agencies as defined in Article 1 of this Convention and every person, company, institution, agency or other private organisation habitually engaging in placing shall, even though making no charge, make a decleraion to the competent authority stating whether their placing services are given gratuitously or for remuneration.	No change.	No change.
Article 6	Article 6	Article 6
National laws or regulations shall prescribe appropriate penalities, including the withdrawal when necessary of the licances and authorisations provided for by this Convention, for any violation of the above Articles of or any laws or regulations giving effect to them.	No change.	No change.
Article 7	Article 7	Article 7
There shall be included in the annaal reports to be submitted under article	There shall be included in the annual reports to be submitted under	There shall be included in the annual

Article 7 22 of the Constitution of the International Labour Organisation all necessary information concerning the exceptions allowed under Article 3.	Article 7 Article 22 of the Constitution of the International Labour Organisation all necessary information concerning the expections allowed under Article 3, including more particularly information concerning the number of agencies for which such exceptions are followed and the scope of their activities, the reasons for the exceptions, and the arrangements for supervision by the competent authority of the activities of the agencies concerned.	Article 7 reports to be submitted under Article 22 of the Constitution of the International Labour Organisation all necessary information concerning fee-charging employment agencies, including more particular information concerning the arrangements for the supervision by the competent authority of the agencies concerned.
Article 8 The formal ratifications of this Convention under the Conditions set forth in the Constitution of the International Labour Orgainsation shall be communicated to the Director General of the International Labour Office for registration	Article 8 *(A resolution on the standard articles is submitted for examination and appears on p.30)	Article 8 No. Proposal.
Article 9 1. This Convention shall be binding only upon those Members whose ratifications have been registered with the International Labour Office. 2. It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Director-General. 3. Thereafter, this Convention shallcome into force for any Members twelve months after the date on which its ratification has been registered.	Article 9	Article 9 No proposal. No Proposal.
Article 10 As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International	Article 10	Article 10 No Proposal.

Article 10	Article 10	Article 10
Labour Office, the Director-General of the International Labour Office shall be so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.		
Article 11	Article 11	Article 11.
1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shallnot take affect until one year after the date on which it is registered with the International Labour Office.		No proposal.
~~xxxxxxx~~ 2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the proceding paragaaph, exercise the right of denuniciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of ten years under the terms provided for in this Article.		
Article 12	Article 12	Article 12
At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conferance a report on the working of this Convention and shall consider the desirability of placing on the agands of the Conference the question of its revision in whole or in		No proposal.

Article 13	Article 13	Article 13
1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides.		No Proposal.
(a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force;		
(b) as from the date when the new revising ~~xxxi~~ Convention comes into force, this Convention shall cease to be open to ratification by ~~xx~~ the Members.		
2. This Convention shall in any case remain in force in its actual from and content for those Members which have ratified it but have not ratified ~~it but have xxx xxx xxxifixx~~ the revising Convention.		
Article 14	Article 14	Article 14
The French and English texts of this Convention shall both be authentic.		No proposal.

PROPOSED RESOLUTION

The Conference instructs its Drafting Committee to insert in the text to be submitted to it for final vote, in replacement of Articles 7-14 of the Fee-Charging EmploymentAgencies Conventions, 1933, standard articles in the form Last approved by the Conference.	No proposal.

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SP/31.7. /True Copy/

DEVELOPMENT (PIV) DEPARTMENT

Letter Ms. No. 5811-Dated 24-11-1948.

To

The Secretary to the Government of India,
Ministry of Labour, New Delhi.

Sir,

Sub:- Labour - International Labour Office - Conventions
Fee Charging Employment Agencies Convention, 1933 -
Revision - India's letter replied to.

- - -

I am directed to reply as follows to the International Labour Office questionnaire received with Rai Bahadur Sadhashive Prasad's letter L.C. No. 34(13)11 d/25-10-1948:

Question (1) Do you wish that the revised convention concerning fee-charging employment agencies

(a) should provide for the suppression of fee-charging employment agencies conducted with a view to profit ?

Answer: No.

(b) should provide for the regulation of such Offices?

Answers: Yes. Public employment services organisation cannot hope to meet the entire needs of the country for a long time to ~~come~~ come. Even if the organization is vastly expanded there still he scope for private agencies to supplement its work.

Question (2) (a) In the event of your desiring that the revised Convention should provide for the suppression of fee-charging employment agencies conducted with a view to profit, have you any amendments to propose to the draft revised text submitted by the Office to the 31st Session of the Conference?

Answer: Does not arise.

(b) In the event of your desiring that the Convention should provide for the regulation of fee-charging employment agencies conducted with a view to profit, have you any amendments to propose to the draft revised text submitted to the Committee on Employment Service Organisation and Vocational Guidance by its Drafting Committee during the 31st Session of the Conference?

Answer: In addition to the conditions proposed in article 2 it may be laid down that the fee-charging agencies shall functiononly in such local areas and in such spheres of employment as are approved by the Government. This will prevent unhealthy competition between private and public employment services organisations in centres where the latter organisation is adequate to satisfy local needs.

Question (3) - Are you of opinion that, if the Conference pronounces in favour of a revised Convention involving

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the regulation of fee-charging employment agencies conducted with a view to profit, it would be desirable that such Convention should contain a provision that, as from the date of the entry into force of the said revised Convention, the 1933 Convention shall continue to be open for ratification by Members,

Answer: There is no objection to the retention of the 1933 Convention for the use of those Governments which prefer suppression of fee-charging agencies.

Yours faithfully,

(Sd)x x x x

23.11.1948.

To
Copy to the Commissioner of Labour.
The Director of Resettlement of Employment Exchange.

/True Copy/

for SUPERINTENDENT

Madras Record Office.

SP/31.7.